

customers of the utility without increasing the use by the customer of fuel other than: Biomass (i.e., combustible energy-producing materials from biological sources, which include wood, plant residues, biological wastes, landfill gas, energy crops, and eligible components of municipal solid waste), solar, geothermal, or wind resources; or industrial waste gases where the party making the submission involved certifies that there is no net increase in sulfur dioxide emissions from the use of such gases. "Demand-side measure" includes the measures listed in part 73, appendix A, section 1 of this chapter.

*Designated representative* means a responsible natural person authorized by the owners and operators of an affected source and of all affected units at the source or by the owners and operators of a combustion source or process source, as evidenced by a certificate of representation submitted in accordance with subpart B of this part, to represent and legally bind each owner and operator, as a matter of federal law, in matters pertaining to the Acid Rain Program. Whenever the term "responsible official" is used in part 70 of this chapter, in any other regulations implementing title V of the Act, or in a State operating permit program, it shall be deemed to refer to the "designated representative" with regard to all matters under the Acid Rain Program.

*Desulfurization* refers to various procedures whereby sulfur is removed from petroleum during or apart from the refining process. "Desulfurization" does not include such processes as dilution or blending of low sulfur content diesel fuel with high sulfur content diesel fuel from a diesel refinery not eligible under 40 CFR part 73, subpart G.

*Diesel-fired unit* means, for the purposes of part 75 of this chapter, an oil-fired unit that combusts diesel fuel as its fuel oil, where the supplementary fuel, if any, shall be limited to natural gas or gaseous fuels containing no more sulfur than natural gas.

*Diesel fuel* means a low sulfur fuel oil of grades 1-D or 2-D, as defined by the American Society for Testing and Materials standard ASTM D975-91, "Standard Specification for Diesel

Fuel Oils," grades 1-GT or 2-GT, as defined by ASTM D2880-90a, "Standard Specification for Gas Turbine Fuel Oils," or grades 1 or 2, as defined by ASTM D396-90, "Standard Specification for Fuel Oils" (incorporated by reference in § 72.13).

*Diesel reciprocating engine unit* means an internal combustion engine that combusts only diesel fuel and that thereby generates electricity through the operation of pistons, rather than by heating steam or water.

*Diluent gas* means a major gaseous constituent in a gaseous pollutant mixture, which in the case of emissions from fossil fuel-fired units are carbon dioxide and oxygen.

*Diluent gas monitor* means that component of the continuous emission monitoring system that measures the diluent gas concentration in a unit's flue gas.

*Direct public utility ownership* means direct ownership of equipment and facilities by one or more corporations, the principal business of which is sale of electricity to the public at retail. Percentage ownership of such equipment and facilities shall be measured on the basis of book value.

*Direct Sale Subaccount* means a subaccount in the Special Allowance Reserve, as specified in section 416(b) of the Act, which contains Phase II allowances to be sold in the amount of 25,000 per year, from calendar year 1993 to 1999, inclusive, and of 50,000 per year for each year beginning in calendar year 2000, subject to the adjustments noted in the regulations at part 73, subpart E of this chapter.

*Dispatch* means the assignment within a dispatch system of generating levels to specific units and generators to effect the reliable and economical supply of electricity, as customer demand rises or falls, and includes:

- (1) The operation of high-voltage lines, substations, and related equipment; and
- (2) The scheduling of generation for the purpose of supplying electricity to other utilities over interconnecting transmission lines.

*Dispatch system* means either:

- (1) A specified unit and generator or specified group of units, and portions of

units, and generators that are interconnected and centrally dispatched, *provided* that the requirements of § 72.33 are met; or

(2) In the event the requirements specified in paragraph (1) of this definition are not met, the unit and generator or group of units and generators that make up one utility system.

*Draft Acid Rain permit or draft permit* means the version of the Acid Rain permit, or the Acid Rain portion of an operating permit, that a permitting authority offers for public comment.

*Dual-fuel reciprocating engine unit* means an internal combustion engine that combusts any combination of natural gas and diesel fuel and that thereby generates electricity through the operation of pistons, rather than by heating steam or water.

*Emergency fuel* means either:

(1) For purposes of the requirements for a fuel flowmeter used in an excepted monitoring system under appendix D or E of part 75 of this chapter, the fuel identified by the designated representative in the unit's monitoring plan as the fuel which is combusted only during emergencies where the primary fuel is not available; or

(2) For purposes of the requirement for stack testing for an excepted monitoring system under appendix E of part 75 of this chapter, the fuel identified in the State, local, or Federal permit for a plant and is identified by the designated representative in the unit's monitoring plan as the fuel which is combusted only during emergencies where the primary fuel is not available, as established in a petition under § 75.66 of this chapter.

*Emissions* means air pollutants exhausted from a unit or source into the atmosphere, as measured, recorded, and reported to the Administrator by the designated representative and as determined by the Administrator, in accordance with the emissions monitoring requirements of part 75 of this chapter.

*Environmental Appeals Board* means the three-member board established pursuant to § 1.25(e) of this chapter and authorized to hear appeals pursuant to part 78 of this chapter.

*EPA* means the United States Environmental Protection Agency.

*EPA trial staff* means an employee of EPA, whether temporary or permanent, who has been designated by the Administrator to investigate, litigate, and present evidence, arguments, and positions of EPA in any evidentiary hearing under part 78 of this chapter. Any EPA or permitting authority employee, consultant, or contractor who is called as a witness in the evidentiary hearing by EPA trial staff shall be deemed to be "EPA trial staff".

*Equivalent diameter* means a value, calculated using the equation in paragraph 2.1 of Method 1 in part 60, Appendix A of this chapter, and used to determine the upstream and downstream distances for locating CEMS or CEMS components in flues or stacks with rectangular cross sections.

*Ex parte communication* means any communication, written or oral, relating to the merits of an adjudicatory proceeding under part 78 of this chapter, that was not originally included or stated in the administrative record, in a pleading, or in an evidentiary hearing or oral argument under part 78 of this chapter, between the decisional body and any interested person outside EPA or any EPA trial staff. Ex parte communication shall not include:

(1) Communication between EPA employees other than between EPA trial staff and a member of the decisional body; or

(2) Communication between the decisional body and interested persons outside the Agency, or EPA trial staff, where all parties to the proceeding have received prior written notice of the proposed communication and are given an opportunity to be present and to participate therein.

*Excepted monitoring system* means a monitoring system that follows the procedures and requirements of appendix D or E of part 75 of this chapter for approved exceptions to the use of continuous emission monitoring systems.

*Excess emissions* means:

(1) Any tonnage of sulfur dioxide emitted by an affected unit during a calendar year that exceeds the Acid Rain emissions limitation for sulfur dioxide for the unit; and

(2) Any tonnage of nitrogen oxide emitted by an affected unit during a calendar year that exceeds the annual